

SPANISH-AMERICAN CLAIMS COMMISSION

Protocol signed at Washington May 6, 1882, and statement signed at Washington December 14, 1882, supplementing agreement of February 11 and 12, 1871, as supplemented
Entered into force May 6, 1882
*Terminated by protocol of June 2, 1883*¹

23 Stat. 717; Treaty Series 332

PROTOCOL OF A CONFERENCE BETWEEN THE HONORABLE FREDERICK T. FRELINGHUYSEN, SECRETARY OF STATE OF THE UNITED STATES, AND HIS EXCELLENCY FRANCISCO BARCA, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF HIS MAJESTY THE KING OF SPAIN, HELD AT THE DEPARTMENT OF STATE IN WASHINGTON ON THE SIXTH DAY OF MAY, EIGHTEEN HUNDRED AND EIGHTY-TWO

Mr. Frelinghuysen handed to Mr. Barca the following paper, entitled "Article IX.," and said that it embodied the results of several preliminary conferences between himself and Mr. Barca relating to the prolongation of the Spanish-American Claims Commission² until the first day of January next:

ARTICLE IX

It being impossible for the Commission, in consequence of the death of the Arbitrator and of the Advocate on the part of the United States, to examine and decide within one year from the 12th of May, 1881, each and every claim which has been presented, it is agreed that the term aforesaid be extended to the 1st of January, 1883, for the sole purpose of permitting the Commission to examine and decide the claims actually pending.

And it is further agreed to this end:

1st. That no evidence in any case shall be received after the 15th day of June next.

2nd. That no printed or written brief or argument before the Arbitrators shall be filed on behalf of any claimant after the 15th day of July, 1882.

¹ TS 335, *post*, p. 569.

² Agreement of Feb. 11 and 12, 1871 (TS 328-1, *ante*, p. 540), as supplemented by agreement of Feb. 23, 1881 (TS 331-1, *ante*, p. 557).

3rd. That no printed or written brief or argument shall be filed in reply on behalf of Spain after the 15th day of September, 1882.

4th. That no oral arguments shall be heard by the Arbitrators after the 1st day of November, 1882.

5th. That no arguments either written or oral shall be made before the Umpire except on his written request addressed to the Commission, specifying the time within which he will hear or receive said arguments.

6th. That the Arbitrators may establish in accordance with the preceding stipulations convenient rules for the better and more rapid despatch of the business of the Commission, and any disagreement which may arise between them as to those rules or their interpretation, shall be decided by the Umpire.

Decisions in every pending case shall be given by both Arbitrators before the 15th day of December next: jointly if they agree, separately when they disagree.

All cases in which on that day the two Arbitrators shall not have agreed, or in which neither Arbitrator shall have rendered a decision, shall go to the Umpire.

All cases in which the American arbitrator shall have failed to give a decision shall be rejected or allowed, as the case may be, in the form determined by the decision of the Arbitrator of Spain if the Spanish Arbitrator shall have given a decision: and *vice-versa* all cases in which the Spanish Arbitrator shall have failed to give a decision shall be allowed or rejected, as the case may be, in the form determined by the decision of the American Arbitrator if the American Arbitrator shall have given a decision: it being the purpose of both parties to have the work of the Arbitrators finished before December 15, 1882.

The Umpire is requested to render decisions before January 1, 1883, in all cases submitted to him in order that the work of the Commission may cease on that day. But if the Umpire fails to comply with this request, decisions rendered by him after that day shall be respected by both parties, notwithstanding that the Commission shall be deemed to be terminated and dissolved after the 1st day of January, 1883.

Mr. Barca observed that the Article as reduced embodied correctly the understanding between himself and Mr. Frelinghuysen.

In testimony whereof we have interchangeably signed this protocol.

FREDK. T. FRELINGHUYSEN
FRAN^{co} BARCA

[STATEMENT]

It is agreed by the Honorable F. T. Frelinghuysen, Secretary of State, and Don Francisco Barca, Envoy Extraordinary and Minister Plenipotentiary

of Spain, that the 6th clause of the protocol of May 6th, 1882, shall be changed by the insertion of the words, "the 27th day of December," instead of the words, "the 15th day of December," where the latter occur.

FREDK. T. FRELINGHUYSEN
FRANCISCO BARCA

WASHINGTON, *December 14, 1882*